IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 09/751,437
Filing Date: ....December 29, 2000
Inventors: .... Dent, et al.
Applicant: .... Microsoft Corporation
Group Art Unit: 3628
Confirmation No.: 8758
Examiner: ....Dass, Harish T.
Attorney's Docket No.: MS1-423USC1
Title: A System and Method Facilitating
           Personal Electronic Financial Transactions

BRIEF OF APPELLANT

To: Honorable Commissioner for Patents
           Mail Stop Appeal Brief – Patent
           PO Box 1450
           Alexandria, Virginia 22313-1450

From: David S. Thompson (Tel. 509-324-9256 ext. 235; Fax 509-323-8979)
           Customer No. 22801

Pursuant to 37 C.F.R. § 41.37, Appellant hereby submits an appeal brief within the requisite two months from the date of filing the Notice of Appeal, which was filed on 09/01/2005, augmented by a 2-month extension as provided by 37 C.F.R. § 41.37(e).

Accordingly, Appellant appeals to the Board of Patent Appeals and Interferences seeking review of the Examiner's rejections.

<u>Appeal Brief Items</u>   <u>Page</u>

(1)   Real Party in Interest

The real party in interest is Microsoft Corporation, the assignee of all right, title and interest in and to the subject invention.

(2) Status of Claims

Claims 1—25, 27—30, 33—48, 52, 53 and 55 stand rejected and are pending in this Application.

The rejections of claims 1—25, 27—30, 33—48, 52, 53 and 55 are appealed.

(3) Status of Amendments

The Final Office Action, which is the subject of this Appeal, was mailed 03/04/2005 (herein the "Final Office Action").

Appellant filed a Notice of Appeal on 09/01/2005.

No amendments were made to the claims subsequent to the Final Office Action.

(4)   Summary of Claimed Subject Matter

(Note that all page number and line number references made herein are with reference to the Clean Version of the Substitute Specification submitted Pursuant to 37 CFR § 1.125.)

In overview, a financial service center provides a financial transaction manager configured to *make payments to* a user. In particular, the center is configured to issue checks *including an offer to receive future funds* via an electronic financial account.

In greater detail, systems and methods are described for facilitating personal electronic financial transactions. According to the example implemented by Fig. 1 and described beginning at page 9, a financial service center 102 enables a user of the financial service center to conduct financial transactions with other users. A financial transaction manager 116 provides functional control over the services provided by the financial service center 102 (Applicant, page 11, lines 22—25). The financial transaction manager 116 is responsive to commands received from a user via an interface 120.

According to an embodiment, the financial transaction manager 116 is configured to initiate a payment (see Figs. 10—14 and discussion starting at page 31). A payment may be initiated by use of the initiate/authorize payment button 604 in GUI 600 (Fig. 7; see text at page 31, lines 4 and 5). In response, the financial transaction manager 116 invokes the initiate payment function 318 (Fig. 3), invoking the 'initiate payment user interface' 1000, seen in Fig. 11 (see text at page 31, lines 6—8).

Application No. 09/751,437

At block 1022 (lower right, Fig. 10), the payment process involves seeking the payee's approval. In particular, at block 1022, if the payee does not want to receive the payment electronically, the payee notifies the initiator to make the payment via a physical medium (e.g. a check) at block 1026. (See Applicant's text at page 35, lines 21—23.) Accordingly, the financial transaction manager 116 is configured to issue a check to the payee at block 1028. An example of the check is seen at 1400 in Fig. 14.

Fig. 14 shows a graphical representation of a check 1400 created by the financial transaction manager 116 according to one embodiment of the invention (see text at page 36, lines 5—12). As shown, the check 1400 includes the name of the payee 1402, the amount of the payment 1404, an account number 1406, and, optionally, another offer 1408 to register with the financial service center 102. In one embodiment, the offer 1408 printed on the check 1400 may also include an address 1410 wherein the payee may register with the financial service center 102. The address 1410 may be a uniform resource located (i.e. a 'URL' or Internet address), a telephone number or other address.

In a further embodiment, the offer 1408 printed on the check 1400 may include an offer to receive future funds via an electronic financial account. Referring directly to 1408 in Fig. 14, the text of the offer is reproduced below:

> Did you know that you could have received these funds electronically, without having to wait for delivery via the mail system? To participate in the electronic financial revolution, you need to sign up for a free eAccount at http://www.fsc.com. The registration process is quick and easy, and we always have service representatives on hand to answer any questions you might have. To encourage your participation, we will credit your account with $20.00 upon registration. What do you have to lose?

In summary, the financial service center 102 provides a financial transaction manager 116 configured to make payments to a user. Additionally, the center 102 is configured to issue checks including an offer to receive future funds via an electronic financial account.

Independent claim 1 recites a data network (e.g. 100 in Fig. 1) comprising a plurality of computing devices (e.g. 114, Fig. 1 and page 10, lines 16—18), coupled to the network (100, Fig. 1), to facilitate network access by one or more participants (e.g. consumers 104, Fig. 1); and a data server (e.g. the financial service center 102), coupled to the data network and responsive to one or more of the plurality of computing devices, the data server including: a storage medium (e.g. 118, Fig. 1) to store at least one financial account for each of the plurality of participants; and a financial transaction manager (116, Fig. 1), coupled to the storage medium and selectively invoked by a participant (e.g. a consumer 104, Fig. 1), to manage access to and manipulation of financial account assets to effect requested financial transactions with any network participant or non-participant, wherein the financial transaction manager is also to issue an instruction to have a check issued (e.g. the check 1400 of Fig. 14) that includes an offer (e.g. offer 1408 in Fig. 14) to receive future funds via an electronic financial account.

Independent claim 27 recites a financial service center (e.g. the financial service center 102), selectively accessed by users (e.g. consumers 104, Fig. 1) on a data network (e.g. network 100, Fig. 1) using a computing device (e.g. 114, Fig. 1), the financial service center comprising: a user interface (e.g. 314, Fig. 3), through which a user accesses an account associated with the user; one or more

storage devices (e.g. 118, Fig. 1, see account info. at page 13, lines 1—3 and other locations), to store and maintain account information for each of the users; and a financial transaction manager (116, Fig. 1), responsive to the user interface and coupled to the one or more storage devices, to manage access to and control assets of user accounts in response to user interaction with the user interface to enable the user to conduct financial transactions with another user or non-user of the financial service center, wherein the financial transaction manager causes a check (e.g. the check 1400 of Fig. 14) to be printed and sent to another at the request of a user, and wherein the check includes an offer (e.g. offer 1408 in Fig. 14) to receive future funds via an electronic account at the financial service center.

Independent claim 52 recites a method (e.g. the method 1000 of Fig. 10) for conducting business comprising receiving a request (e.g. request block 1026 of the flowchart of Fig. 10) to issue a check (e.g. the check 1400 of Fig. 14) to a recipient from a consumer; and including on the check an offer (e.g. offer 1408 in Fig. 14) to receive future funds via an electronic financial account with a pre-printed unique access code for the account.

Independent claim 53 recites a method for soliciting new users to utilize an electronic financial network (e.g. 100 in Fig. 1), the method comprising: receiving a request to perform a financial transaction at a data server (e.g. the financial service center 102) within a financial data network (e.g. 100 in Fig. 1) from a requesting participant (e.g. consumers 104, Fig. 1); and issuing a physical check (e.g. the check 1400 of Fig. 14) drawn from an account on the financial data network associated from an account of the network participant to the transaction recipient, wherein the check includes an (e.g. offer 1408 in Fig. 14) offer to utilize

an account created within the electronic financial network and associated with the requesting participant to receive future funds.

Independent claim 55 recites an apparatus comprising: a storage device (e.g. 118, Fig. 1) having stored thereon a plurality of executable instructions; and a processor (132 of Fig. 1), coupled to the storage device, to execute the instructions and implement a financial transaction manager (116, Fig. 1), wherein the financial transaction manager enables a user (e.g. consumers 104, Fig. 1) to conduct financial transactions with a number of people and to have checks (e.g. the check 1400 of Fig. 14) issued to the people, wherein each of the checks includes an offer (e.g. offer 1408 in Fig. 14) to receive future funds via an electronic financial account.

(5)   Grounds of Rejection to be Reviewed on Appeal

1.   Whether Claims 1—8, 12—14, 27—30, 33—38 and 55 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. US 6,606,606 (hereinafter "Starr") in view of U.S. Patent No. 5,121,945 (hereinafter "Thomson").

2.   Whether Claims 15—22, 39—45 and 52—53 were properly rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of Thomson, and further in view of U.S. Patent No. 6,609,113 (hereinafter O'Leary).

(6)   Argument

§103 REJECTIONS

First Ground of Rejection

For at least the reasons seen below, Claims 1—8, 12—14, 27—30, 33—38 and 55 are patentable under 35 U.S.C. 103(a) over Starr in view Thomson.

With regard to the rejection of **Claim 1**, the Examiner acknowledges that Starr does not disclose wherein the financial transaction manager is also to issue an instruction to have a check issued that includes an offer to receive future funds via an electronic financial account. However, the Examiner asserted that Thomson discloses this feature as a part of Thomson's "SMARTCHECK." In particular, the Examiner pointed to the Abstract, to Fig. 1, to column 6 at line 53 and to column 7 from line 60 to line 65. In response, the Applicant will review the teachings of the Thomson reference.

For convenience, the asserted portions of Thomson (less Fig. 1) are reproduced below:

> (Thomson, at Abstract) There are disclosed herein methods and systems for affecting the accounting functions of debiting and crediting a bank's account records, a payer's bank account records and a corporation's accounts receivable records with their customer's payments, and are based upon the combination of data from two or more sources to prepare an integrated document comprising an invoice (bill) and a negotiable instrument, usually a bank check. These documents form an integrated document and contain all necessary pre-printed machine readable data and are combined to effect a variety of multi-function transactions. By

        Application No. 09/751,437

combining all of the required data elements in a single document at the time of initial preparation of the integrated document, including an accounts receivable invoice and the payer's check, the requirement for subsequent redundant, labor intensive processes are eliminated. The single integrated document becomes a multi-functional document which generates the transaction to effect the customer's accounts receivable, the negotiable instrument to (i) credit the corporation's institutions account and (ii) debit the customer's financial institution's account while creating a complete audit trail and accountability at each separate processing level.

(Thomson, at column 7, in the area of line 53) The integrated billing document as shown in FIG. 1 comprises the 3 parts previously discussed, the invoice or bill 10, the maintenance and payment selection alternatives 11, and the unit record or negotiable bank check 12.

(Thomson, at column 7, lines 60—65) The maintenance and payment selection alternatives section 11 of the integrated billing document allows the payer to indicate alternative methods of remitting payment and to provide information for an address change and a bank account change. It contains variable data dependent on the options allowed by the payee.

The Thomson Reference. The Thomson reference describes a method by which a corporation may *collect customer payments* by sending a bill containing a negotiable instrument (i.e. a check) drawn on the customer's bank account. (See Thomson, first 8 lines of Abstract and Fig. 1a.) That is, the corporation sends the customer a bill and a filled-out but unsigned check, drawn on the customer's bank account, and ready for the customer's signature.

Referring particularly to Fig. 1a of Thomson, the upper part of the document constituting Fig. 1a is an invoice 10. Within the invoice, the company (named at 91) outlines the charges and total due. In the middle part 11 of the document, the customer/payer is given the four options to pay the debt. That is, the Thomson check includes a section wherein four "offers" are presented to the customer. Each of the offers constitutes a choice by which the customer may elect *to pay* an outstanding debt. None of the offers constitutes an offer to receive future funds via an electronic account. In the lower part of the document, a check drawn on the customer's account is printed for the customer's convenience (and signature).

Traversal of the rejection of **Claim 1**. The Applicant respectfully submits that the Thomson reference fails to teach or suggest the recited elements. Among other elements not taught, Thomson does not teach or suggest "wherein the financial transaction manager is also to issue an instruction to have a check issued that includes an offer to receive future funds via an electronic financial account" as recited by the last several lines of Claim 1.

As seen in the review of the Thomson reference, section 11 of the document shown at Fig. 1 provides "payment selection alternatives 11" (Thomson, column 6, line 53). Thus, Thomson discloses that the party to whom money is being sent provides an offer, and that the offer provided includes "payment selection alternatives".

In contrast, the Applicant's claim recites that party sending money provides an offer, and that the offer provided includes an offer to receive future funds via an electronic account.

Application No. 09/751,437

Therefore, between the reference and the claim, there are at least two fundamental differences. First, there is a difference between the identities of the parties making the offers. In Thomson, the party making the offer is collecting money. In the recited claim, the party making the offer is distributing money. This is a fundamental difference, in that Thomson is adapted to collecting money (e.g. billing/invoicing accounts receivables for a company). The recited claim is adapted for distributing money (e.g. paying product rebates or distributing corporate dividends).

Second, there is a difference between the offers provided. The claim recites "an offer to receive future funds via an electronic financial account". In contrast, Thomson teaches the four offers seen in Thomson's Fig. 1a, which are related to collecting money. This is a fundamental difference between the offers, in that Thomson's offers are tools collecting money, while the Applicant's claim recites a tool for dispersing money. Because the party making the offer is different, and because the offer made is different, it can be understood that the structure, operation and objectives of Thomson and the subject matter recited by Claim 1 are different.

The Examiner points to Thomson at the Abstract, Fig. 1, column 6 line 53 and column 7 lines 60—65, and asserts that Thomson allows the "payer to select an alternative method of payment, which is advertised on the detachable bill stab".

The Applicant respectfully disagrees Thomson teaches or suggests the claimed elements. In a first specific point of disagreement, the Applicant points out that while Thomson discloses allowing the payer select an alternative *form of payment*, the claim recites allowing the receiver choose to *receive* "future funds

via an electronic financial account". Thus, the claim's recitations are not taught by Thomson's disclosure.

In a second specific point of disagreement, the Applicant respectfully suggests that the Examiner has failed to appreciate the difference between an offer made by the 'money collector' (Thomson) and an offer to send money "via an electronic financial account" (the Applicant's Claim 1). That is, Thomson teaches sending a document that gives options on how to *send money*. Claim 1 recites a check including an offer to *receive future funds* via an electronic account.

Thus, the Applicant also respectfully suggests that the Examiner has failed to appreciate the difference between offering a selection of "forms of payment" (Thomson) and offering the option of "receiving future funds" (Applicant's claim). That is, Thomson teaches inclusion of options by which the recipient of the document may send money, while Claim 1 recites an option by which the recipient of the document (i.e. the "check," third line from the bottom of Claim 1) may receive money.

Therefore, the Applicant respectfully submits that the references of record fail to teach or suggest each and every element of Claim 1, and consequently, a prima facie case of obviousness has not been made. Accordingly, the Applicant respectfully requests the Board to overturn the First Ground of Rejection.

Traversal of the rejection of **Claim 27**. The Applicant respectfully submits that the Thomson reference fails to teach or suggest the recited elements. Among other elements not taught, Thomson does not teach or suggest "wherein the check includes an offer to receive future funds via an electronic account at the financial service center" as recited by the last several lines of Claim 27.

Application No. 09/751,437

The Applicant submits that Claim 27 is allowable for substantially the same reasons that Claim 1 is allowable. Accordingly, the Applicant hereby incorporates the above argument by reference.

The Examiner has rejected Claim 27 using the same rejection used against Claim 1. Accordingly, the Applicant rebuts that argument using the same argument used in the rebuttal above, which is hereby incorporated by reference.

Therefore, the Applicant respectfully submits that the references of record fail to teach or suggest each and every element of Claim 27, and consequently, a prima facie case of obviousness has not been made. Accordingly, the Applicant respectfully requests the Board to overturn the First Ground of Rejection.

Traversal of the rejection of **Claim 55**. The Applicant respectfully submits that the Thomson reference fails to teach or suggest the recited elements. Among other elements not taught, Thomson does not teach or suggest "the checks includes an offer to receive future funds via an electronic financial account" as recited by the last two lines of Claim 55.

The Applicant submits that Claim 55 is allowable for substantially the same reasons that Claim 1 is allowable. Accordingly, the Applicant hereby incorporates the above arguments by reference.

The Examiner has rejected Claim 55 using the same rejection used against Claim 1. Accordingly, the Applicant rebuts that argument using the same argument used in the rebuttal above, which is hereby incorporated by reference.

Therefore, the Applicant respectfully submits that the references of record fail to teach or suggest each and every element of Claim 55, and consequently, a

Application No. 09/751,437

prima facie case of obviousness has not been made. Accordingly, the Applicant respectfully requests the Board to overturn the First Ground of Rejection.

Claims 2—25, 28—30 and 33—48 depend from Claims 1 or 27. Accordingly, these claims are allowable due to their dependence on a claim that is allowable for the reasons seen above. These claims are also allowable for their own recited features which, in combination with those recited in claim 1 and 27, are neither shown nor suggested in the references of record, either singly or in combination with one another.

Accordingly, the Applicant respectfully requests the Board to overturn the First Ground of Rejection.

Second Ground of Rejection

For at least the reasons seen below, **Claims 52—53** are patentable under 35 U.S.C. 103(a) over Starr in view Thomson and O'Leary.

With regard to the rejection of Claims 52 and 53, the Examiner states, "Starr or Thomson does not explicitly disclose" the elements of claims 52 and 53. The Examiner continues to write, "However, O'Leary discloses these steps [see entire document particularly, Abs; Figures 1—10; C1 L22 to C8 L5]." Thus, the Examiner does not actually rely on Starr and/or Thomson, and a 103(a) rejection was formed using only the O'Leary reference.

The O'Leary reference provides a safe method for consumers to shop the Internet and pay bills without having to share account numbers with the payee (see O'Leary, column 4, lines 43—47). A core element is the payment portal processor (PPP) that augments any Internet browser with e-commerce ability (col. 4, lines

Application No. 09/751,437

58—60). The PPP is configured to utilize a credit card number (col. 5, lines 42—43).

The O'Leary reference is silent about "including on the check an offer to receive future funds via an electronic financial account with a pre-printed unique access code for the account" (Claim 52). Additionally, O'Leary is silent about "wherein the check includes an offer to utilize an account created within the electronic financial network and associated with the requesting participant to receive future funds" (Claim 53). In fact, careful examination of the O'Leary reference discloses nothing about printing checks; nothing about printing an offer on a check; and nothing about an offer to receive future funds via an electronic financial account; and nothing about an offer to utilize an account created within the electronic financial network. In fact, O'Leary discloses very little about checks, and is for the most part involved in a discussion of electronic funds.

The Examiner points to O'Leary, at the "entire document particularly, Abs; Figures 1—10; C1 L22 to C8 L5" in forming the rejection. In response, the Applicant respectfully submits that O'Leary fails to teach or suggest aspects recited by the Applicant's claims. In particular, O'Leary fails to teach or suggest, "including on the check an offer to receive future funds via an electronic financial account with a pre-printed unique access code for the account" (Claim 52) and "wherein the check includes an offer to utilize an account created within the electronic financial network and associated with the requesting participant to receive future funds" (Claim 53).

Without specific direction from the Examiner, the Applicant has examined the entire O'Leary reference for every mention of checks and/or checking

accounts. None of the discovered references to checks and/or checking would appear to be relevant with respect to "including on the check an offer to receive future funds via an electronic financial account". In particular, ten references were found.

Within the range of columns and lines specified by the Examiner as most relevant, column 2, line 18 refers to "check replacements". Column 2, line 39 refers to "using conventional means" such as checks. Column 3, line 35 refers to "traditional" means of exchange, including checks.

Not within the range of columns and lines specified by the Examiner as most relevant, other references to check exist, including column 8, line 50, which refers to a lengthy wait for funds, in the case of a check. Column 11, lines 45—45 refer to debits such as checks and returned checks. Column 11, line 66 refers to checking and savings accounts. Column 23, line 3 refers to check (sic) account activity. Column 26, line 20 refers to funding options including checks. Finally, column 27 line 6 refers to the source of funds, including checking, credit card, etc.

The Applicant has therefore exhaustively examined the O'Leary reference's disclosure with respect to checks and checking, and has discovered no teachings or suggestions related to printing checks with an offer of any kind. If this rejection is to be maintained, the Applicant respectfully requests a more specific reference to the O'Leary document, wherein a check containing an offer is taught or suggested.

Accordingly, the Applicant respectfully requests the Board to overturn the Second Ground of Rejection.
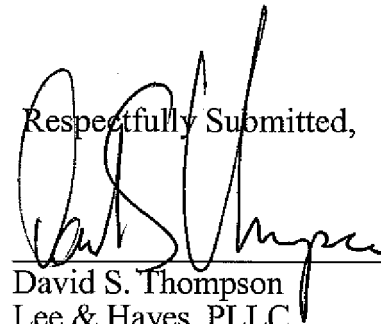
Conclusion

The Appellant respectfully submits that all of the Examiner's rejections have been traversed. Accordingly, the Applicant respectfully requests the Board to overturn the First and Second Grounds of Rejection, and that the claims be allowed.

Respectfully Submitted,

Dated: 12-03-06   By: _David S. Thompson_

David S. Thompson
Lee & Hayes, PLLC
Reg. No. 37,954
(509) 324-9256 ext. 235

(7)   Appendix of Appealed Claims

1. A data network comprising:

a plurality of computing devices, coupled to the network, to facilitate network access by one or more participants; and

a data server, coupled to the data network and responsive to one or more of the plurality of computing devices, the data server including:

a storage medium to store at least one financial account for each of the plurality of participants; and

a financial transaction manager, coupled to the storage medium and selectively invoked by a participant, to manage access to and manipulation of financial account assets to effect requested financial transactions with any network participant or non-participant, wherein the financial transaction manager is also to issue an instruction to have a check issued that includes an offer to receive future funds via an electronic financial account.

2. A data network according to claim 1, wherein the financial account is electronically linked to an account of the participant at a financial institution.

3. A data network according to claim 2, wherein the account of the participant is one of a checking account, a savings account, a line of credit, and a money market account maintained by a banking institution, or a services account associated with another commercial enterprise.

Application No. 09/751,437

4.   A data network according to claim 1, wherein the financial account is one of a checking account, a savings account, a line of credit, and a money market account maintained by a banking institution.

5.   A data network according to claim 1, wherein the computing devices is one of a personal computer, a kiosk, a telephone and a set-top box having sufficient resources to enable the participant to access the data server and utilize the financial transaction manager.

6.   A data network according to claim 1, further comprising a financial service center having a plurality of data servers including the data server.

7.   A data network according to claim 1, wherein the data server is controlled by a financial institution.

8.   A data network according to claim 1, wherein the financial transaction manager selectively transfers assets from a first participant's account to a second participant's account in response to a request by the first participant to transfer such assets.

9.   A data network according to claim 8, wherein each of the first and second participants are individual consumers.

Application No. 09/751,437

10. A data network according to claim 8, wherein the first participant does not have a priori knowledge of the second participant's account information, but identifies the second participant from a list of network participants.

11. A data network according to claim 10, wherein the second participant is identified by one or more of a name, an alias, a physical address, a virtual address, or an email address.

12. A data network according to claim 1, wherein the financial transaction manager selectively receives assets for deposit in an account of a participant.

13. A data network according to claim 12, wherein the assets are received from a brokerage at the request of the participant.

14. A data network according to claim 13, wherein the assets are received from an employer as compensation to the participant.

15. A data network according to claim 1, wherein the financial transaction manager prompts a participant for payment authorization in response to a request for payment received from a network service.

16. A data network according to claim 15, wherein the network service is an electronic auction service.

17. A data network according to claim 15, wherein the network service is an electronic retail service.

18. A data network according to claim 15, wherein the financial transaction manager transfers assets from an account specified by the user to an account specified in the request to cover the requested payment, upon authorization of the participant.

19. A data network according to claim 18, wherein the financial transaction manager determines whether to honor the participants payment when the specified account has insufficient assets to cover the requested payment.

20. A data network according to claim 19, wherein the financial transaction manager utilizes a growing trust model to determine whether to honor the payment when the specified account has insufficient assets to cover the requested payment.

21. A data network according to claim 19, wherein the financial transaction manager automatically accesses a line of credit associated with the participant to honor the payment when the specified account has insufficient assets to cover the requested payment.

22.   A data network according to claim 21, wherein the financial transaction manager notifies the participant of the insufficient funds and that the line of credit has been accessed to honor the requested payment.

23.   A data network according to claim 15, wherein the instruction is an instruction to have the check issued and sent to an address specified by the request, upon authorization of the participant.

24.   A data network according to claim 23, wherein the issued check includes a uniform resource locator (URL) address of a web page offered by the data server where the recipient can establish an account.

25.   A data network according to claim 24, wherein the check includes an offer of free assets, credited to a newly established account created by the recipient of the check.

Claim 26: Canceled

27.   A financial service center, selectively accessed by users on a data network using a computing device, the financial service center comprising:

a user interface, through which a user accesses an account associated with the user;

one or more storage devices, to store and maintain account information for each of the users; and

Application No. 09/751,437

a financial transaction manager, responsive to the user interface and coupled to the one or more storage devices, to manage access to and control assets of user accounts in response to user interaction with the user interface to enable the user to conduct financial transactions with another user or non-user of the financial service center, wherein the financial transaction manager causes a check to be printed and sent to another at the request of a user, and wherein the check includes an offer to receive future funds via an electronic account at the financial service center.

28.   A financial service center according to claim 27, wherein the user interface is series of instructions issued to a computing device of the user to create a web page at the computing device.

29.   A financial service center according to claim 27, wherein the user interface is a series of instructions issued to an email client executing on a computing device of the participant.

30.   A financial service center according to claim 27, wherein the financial transaction manager selectively transfers assets from a first user's account to a second user's account in response to a request by the first user to transfer such assets.

Claims 31 and 32: Canceled

Application No. 09/751,437

33. A financial service center according to claim 30, wherein each of the first and second users are individual consumers.

34. A financial service center according to claim 30, wherein the first user does not have a priori knowledge of the second user's account information, but identifies the second participant from a list of network participants provided by the financial transaction manager.

35. A financial service center according to claim 30, wherein the second user is identified by one or more of the user's name, alias, or email address.

36. A financial service center according to claim 27, wherein the financial transaction manager selectively receives assets for deposit in an account of a participant.

37. A financial service center according to claim 36, wherein the assets are received from a brokerage at the request of the participant.

38. A financial service center according to claim 36, wherein the assets are received from an employer as compensation to the participant.

39. A financial service center according to claim 27, wherein the financial transaction manager prompts a participant for payment authorization in response to a request for payment received from a network service.

40. A financial service center according to claim 39, wherein the network service is an electronic auction service.

41. A financial service center according to claim 39, wherein the network service is an electronic retail service.

42. A financial service center according to claim 39, wherein the financial transaction manager transfers assets from an account specified by the user to an account specified in the request to cover the requested payment, upon authorization of the participant.

43. A financial service center according to claim 42, wherein the financial transaction manager determines whether to honor the participants payment when the specified account has insufficient assets to cover the requested payment.

44. A financial service center according to claim 42, wherein the financial transaction manager utilizes a growing trust model to determine whether to honor the payment when the specified account has insufficient assets to cover the requested payment.

45. A financial service center according to claim 42, wherein the financial transaction manager automatically accesses a line of credit associated

with the participant to honor the payment when the specified account has insufficient assets to cover the requested payment.

46.   A financial service center according to claim 27, wherein the instruction is an instruction to have the check issued and sent to an address specified by the request, upon authorization of the participant.

47.   A financial service center according to claim 46, wherein the issued check includes a uniform resource locator (URL) address of a web page offered by the data server where the recipient can establish an account.

48.   A financial service center according to claim 47, wherein the check includes an offer of free assets, credited to a newly established account created by the recipient of the check.

Claims 49-51: Canceled

52.   A method for conducting business comprising:
receiving a request to issue a check to a recipient from a consumer; and
including on the check an offer to receive future funds via an electronic financial account with a pre-printed unique access code for the account.

53.   A method for soliciting new users to utilize an electronic financial network, the method comprising:

receiving a request to perform a financial transaction at a data server within a financial data network from a requesting participant; and

issuing a physical check drawn from an account on the financial data network associated from an account of the network participant to the transaction recipient, wherein the check includes an offer to utilize an account created within the electronic financial network and associated with the requesting participant to receive future funds.

Claim 54: Canceled

55.   An apparatus comprising:

a storage device having stored thereon a plurality of executable instructions; and

a processor, coupled to the storage device, to execute the instructions and implement a financial transaction manager, wherein the financial transaction manager enables a user to conduct financial transactions with a number of people and to have checks issued to the people, wherein each of the checks includes an offer to receive future funds via an electronic financial account.

Application No. 09/751,437

(8)   Appendix of Related Appeals and Interferences

Appellant is not aware of any other appeals, interferences, or judicial proceedings that will directly affect, be directly affected by, or otherwise have a bearing on the Board's decision to this pending appeal.

Application No. 09/751,437

(9)   Appendix of Evidence

Appellant is not aware of any evidence related to this matter.